

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CHAMBERS OF
SUE L. ROBINSON
CHIEF JUDGE

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April 29, 2005

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Re: Cordis Corporation v. Advanced Cardio Systems,
Civ. No. 97-550-SLR

Dear Counsel:

It has come to my attention that a jury question and my response thereto has become an issue the parties are addressing in their post trial motion practice. I believe that the genesis of the issue was a telephone inquiry made by counsel for defendant Boston Scientific Corporation about "docketing" jury questions. Counsel was informed that I do not docket jury questions, as those questions are part of a jury's deliberative process and, in my opinion, should not be made part of the public record. Without further inquiry, Boston Scientific now argues post trial "that it was prejudicial error to fail to keep a written record of the instruction to the jury during deliberations." (BSC opening brief at 20)

Contrary to this representation, it is the practice of my

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chambers to retrieve jury notes and maintain them as court exhibits. Therefore, attached hereto under seal is a copy of the jury question and response at issue.

I trust this information is helpful to the parties. I have instructed my chambers to no longer accept telephone calls from counsel in these cases. If you have questions, you will need to send an email, copy to all counsel.

Cordially,


Sue L. Robinson

cc: Clerk of Court